

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DENISE M. GOSSAGE,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-4431

ROBERT McDONALD, Secretary
Department of Veterans Affairs,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's motion to dismiss (ECF No. 26) be granted; Defendant's Motion to Dismiss, or in the Alternative, for Summary Judgment (ECF No. 14), be denied as moot; the complaint be dismissed, without prejudice; and this action be removed from the docket of this Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Plaintiff's motion to dismiss (ECF No. 26) be **GRANTED**; Defendant's Motion to Dismiss, or in the Alternative, for Summary Judgment (ECF No. 14), be **DENIED as moot**; the complaint be **DISMISSED without prejudice**; and this action be **REMOVED** from the docket of this Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: November 12, 2015



ROBERT C. CHAMBERS, CHIEF JUDGE